

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|----------------------------------|---|-------------------|
| THOMAS D. BRALEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:11CV537 JCH |
| |) | |
| ACCESS SECUREPAK/KEEFE |) | |
| COMMISSARY NETWORK, LLC, et al., |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. The motion will be provisionally granted. Additionally, the Court will transfer this case to the United States District Court for the Eastern District of California.

Plaintiff, a prisoner in Kern County, California, brings this action under 42 U.S.C. § 1983. Defendant Access Securepak/Keefe Commissary Network, LLC, is alleged to have its corporate headquarters in St. Louis, Missouri. The remaining eight defendants are located in the Eastern District of California. The events that gave rise to the complaint occurred in the Eastern District of California. See 28 U.S.C. § 84(b).

Under 28 U.S.C. § 1391(b), an action of this type may "be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought."

Upon review of the case file, the Court finds that § 1391(b)(2) is the controlling venue provision for this case.

Under 28 U.S.C. § 1406(b), “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” Because plaintiff is proceeding pro se, the Court finds that it is in the interest of justice to transfer this case to the United States District Court for the Eastern District of California.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis is **provisionally granted**, subject to modification by the United States District Court for the Eastern District of California.

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States District Court for the Eastern District of California.

Dated this 23rd day of March, 2011.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE